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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 BOARD OF TRUSTEES OF THE
14 CONSTRUCTION INDUSTRY AND
15 LABORERS HEALTH AND WELFARE
16 TRUST; THE BOARD OF TRUSTEES OF
17 THE CONSTRUCTION INDUSTRY AND
18 LABORERS JOINT PENSION TRUST;
19 THE BOARD OF TRUSTEES OF THE
20 CONSTRUCTION INDUSTRY AND
21 LABORERS VACATION TRUST; and
22 THE BOARD OF TRUSTEES OF THE
23 SOUTHERN NEVADA LABORERS
24 LOCAL 872 TRAINING TRUST,

25 Plaintiffs,

26 vs.

27 WILDHORSE INVESTMENTS, INC. dba
28 BLACK CANYON CONSTRUCTION, a
Nevada corporation,

Defendant.

Case No. 2:23-cv-01122-APG-MDC

**STIPULATION AND ORDER TO EXTEND
DEADLINE FOR OPPOSITION TO ALL
DEFENDANT'S PENDING MOTIONS**

(SECOND REQUEST)

29 Plaintiffs, the Laborers 872 Joint Trust Funds ("Trust Funds") and Defendant Wildhorse
30 Investments, Inc. dba Black Canyon Construction ("Black Canyon") by and through their
31 respective counsels of record, hereby stipulate and request to extend the Trust Funds' deadline to
32 file oppositions to all of Black Canyon's pending motions. This is the second request to extend
33 this deadline. In support of this Stipulation and Request, the parties state the following:

34 1. On November 20, 2023, the Court lifted the stay in this case and ordered Black

1 Canyon to respond to the Trust Funds' complaint by December 15, 2023.

2 2. Counsel for Black Canyon approached counsel for the Trust Funds and requested
3 an extension until January 8, 2024, for Black Canyon to file its response. The Trust Funds'
4 counsel agreed and the stipulation to extend the deadline was approved by the Court. (See ECF
5 No. 23, filed Dec. 4, 2023.)

6 3. On December 7, 2023, the Court issued a scheduling order. (ECF No. 25.)

7 4. On December 15, 2023, Black Canyon filed a Motion to Stay Discovery ("Motion
8 to Stay"). (ECF No. 28.)

9 5. On January 9, 2024, the Court approved a stipulated extension for Black Canyon to
10 file its Motion to Dismiss on January 16, 2024, due to Black Canyon's counsel suffering from an
11 illness.

12 6. On January 16, 2024, Black Canyon filed a Motion to Dismiss. (ECF No. 34.)

13 7. Previously, on December 29, 2023, the Court approved an extension for the Trust
14 Funds' response to both the Motion to Stay Discovery and Motion to Dismiss to occur on the date
15 that the Trust Funds' Opposition to the Motion to Dismiss would be due, which is January 30,
16 2024. (ECF No. 29.)

17 8. On January 17, 2024, Black Canyon filed a Motion to Recover Excess Costs,
18 Expenses and Attorney's Fees from the Plaintiffs' Counsel for Multiplying the Proceedings
19 Unreasonably and Vexatiously ("Motion to Recover Excess Costs"). (ECF No. 35.)

20 9. Given that the Trust Funds now have a third unexpected motion to respond to, the
21 parties have agreed that the Trust Funds may file its opposition to the Motion to Stay, Motion to
22 Dismiss and Motion to Recover Excess Costs at the same time, on February 14, 2024, so that all
23 issues can be briefed at the same time rather than in a piecemeal fashion.

24 10. This request is made in good faith and not for the purpose of delay. Counsel for
25 both parties believe that judicial economy supports permitting the Trust Funds to oppose all three
26 motions due to the centrality of the same issues and arguments present in each motion.

27 11. The Trust Funds desire an additional two weeks due to the unexpected filing of the

1 Motion to Recover Excess Costs. Black Canyon has agreed to provide the extension due to this
2 and a return of the professional courtesy the Trust Funds have extended it with previous
3 stipulations for additional time to file its Motion to Dismiss.

4 12. As such, the parties stipulate and request the Court to approve the Trust Funds'
5 modified deadline to respond to the Motion for Stay of Discovery, Motion to Dismiss and Motion
6 to Recover Excess Costs to occur on February 14, 2024.

7 13. Nothing in this Stipulation, nor the fact of entering to the same, shall be
8 construed as waiving any claim and/or defense held by any party.

9
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MALANI L. KOTCHKA, LLC

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17 Attorneys for Plaintiffs

18 Attorney for Defendant

19 Dated: January 22, 2024

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Dated: January 22, 2024

IT IS SO ORDERED.

ORDER

UNITED STATES MAGISTRATE JUDGE

DATED: 1-25-2024

Case No. 2:23-cv-01122-APG-MDC